

BRENDA E. WEINBERG (16187)
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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

ROSA DiTUCCI, STEVEN R. LaROZA,
DEBRA A. LaROZA, BRUCE I. ROSE,
MAUREEN A. ROSE, SANFORD
ROBERTS, HELAINE B. ROBERTS,
RUSSELL E. HERTRICH, FRED JACOB,
EDWARD A. HENNESSEY, PAMELA A.
CAPLINGER, on behalf of the ESTATE OF
JAMES M. CAPLINGER, JR., RUSSELL E.
HERTRICH REVOCABLE TRUST,
SANFORD ROBERTS REVOCABLE
TRUST, HELAINE B. ROBERTS
REVOCABLE TRUST, THE FRED JACOB
LIVING TRUST, EDWARD A.
HENNESSEY 2001 REVOCABLE LIVING
TRUST; CAMAC, INC., and BLUSH
PROPERTY, LLC,

Plaintiffs,

vs.

WILLIAM BOWSER, GABRIEL
MANAGEMENT CORPORATION, NOAH
CORPORATION, KIRSTEN PARKIN,
FIRST AMERICAN TITLE COMPANY,

Defendants.

NOTICE OF ATTORNEY'S LIEN

Case No. 2:19-cv-00277

The Honorable Tena Campbell
Magistrate Judge Jared C. Bennett

NOTICE IS HEREBY GIVEN that Brenda E. Weinberg (“Ms. Weinberg”), an attorney licensed to practice law in the State of Utah and in the United States District Court for the District of Utah, whose current address is 10 Exchange Place, Eleventh Floor, Salt Lake City, Utah 84111, and whose current telephone number is (435) 901-4249, claims a lien pursuant to [Utah Code § 38-2-7](#) and Utah common law upon the following real, personal, and intangible property owned by the Plaintiffs Rosa DiTucci, *et al.* (collectively, “Plaintiffs”) in the above-captioned matter which the undersigned verifies are the subject of or connected with work that Ms. Weinberg performed for Plaintiffs:

- 1) All rights and interest in the prejudgment writ of attachment (ECF No. 46) on the net proceeds of the sale of the Glenwild Property (totaling \$844,816.83), described as follows: the Townhome described in Mr. Bowser’s initial opposition brief (ECF No. 35) (or, alternatively, the proceeds earmarked for its purchase, which total \$496,995.36) and the remainder of the unencumbered proceeds (\$347,821.48), which are currently held by the court;
- 2) All rights and interest in the final consent judgments in *Securities and Exchange Commission v. Bowser, et al.*, Case No. 2:20-cv-00918, against Defendants William J. Bowser (\$246,967.03), Jordan S. Nelson (\$400,108.66), Scott W. Beynon (\$728,539.65), Christopher J. Ashby (\$691,539.57) currently held by the Securities and Exchange Commission;
- 3) All rights and interest in the Settlement Agreement and Release in the sum of \$1,417,860.00 as set forth in the Settlement Agreement and Release attached as Exhibit A (confidential and filed under seal);

- 4) Any settlement, verdict, report, decision, or judgment in favor of Plaintiffs in the above-captioned matter, including any proceeds derived from the matter; and
- 5) Any settlement, verdict, report, decision, or judgment in favor of Plaintiffs in the arbitration against First American Title Company and Kirsten Parkin, including any proceeds derived from the matter.

Ms. Weinberg holds and claims such a lien to secure payment of the sum of \$35,446.50, which represents all fees and costs incurred by Ms. Weinberg for professional services related to the Settlement Agreement and Release through May 5, 2021. If the Court grants the pending Motion for Summary Judgment as to William Bowser (ECF No. 220) and execution on the prejudgment writ of attachment (ECF No. 46), Ms. Weinberg holds and claims such a lien to secure payment of the sum of not less than \$105,602.10, which represents all fees and costs incurred by Ms. Weinberg for professional services related to the claims against William Bowser through May 5, 2021.

Plaintiffs entered a written engagement contract with Ms. Weinberg and the law firm Felix Weinberg, PLLC, under which Ms. Weinberg agreed to provide legal services on behalf of Plaintiffs in the above-reference matter and other proceedings against defendants relating to the purchase of a property in Carmel, Indiana. Ms. Weinberg first provided legal services to Plaintiffs under this agreement on or about April 1, 2020. The firm Felix Weinberg, PLLC is in the process of being dissolved.

Nothing set forth herein shall be construed to be a waiver of any defense, claim or other right or remedy by the undersigned, all of which are expressly reserved.

I certify that the above information is true and correct to the best of my knowledge.

DATED this 9th day of September, 2021.

/s/ Brenda E. Weinberg
Brenda E. Weinberg

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2021, I electronically filed the foregoing **NOTICE OF ATTORNEY'S LIEN** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service.

/s/ Brenda E. Weinberg

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